

# MAHONEY & KEANE, LLP

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USDC SDNY

DOCUMENT

ELECTRONICALLY FILED July 8, 2008

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DATE FILED: 7/14/08

BY HAND

Hon. Richard M. Berman  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 650  
New York, New York 10007

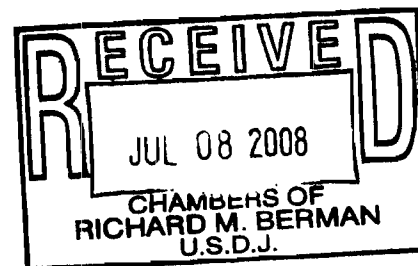
Parties are expected to work  
this out without need for  
MOTION practice. Conference Re:  
on 8/20/08 @ 9:00 A.M. Motion  
[418] denied without prejudice.

SO ORDERED:

Date: 7/14/08

Richard M. Berman  
Richard M. Berman, U.S.D.J.

Honorable Sir:



## MEMO ENDORSED

Case No. 07 Civ. 8607 (RMB)  
Man Ferrostaal, Inc. v.  
M/V OCEANTHI, et al.  
Our File No.: 17/3486/B/07/10

We represent defendants OCEANTHI SPECIAL MARITIME ENTERPRISE s/h/a SPECIAL MARITIME ENTERPRISE and JD POLEMIS SHIPPING CORP. We note that plaintiff has filed a motion to vacate the Court's order of dismissal, since it was not conditioned upon the parties' right to reopen proceedings should the settlement not be consummated, and we write just to advise the Court that we do not intend to file any opposing papers.

We received plaintiff's release on July 3, 2008 and we have requested the settlement funds, so we anticipate no impediment to concluding matters in accordance with the settlement agreement reached before Magistrate Judge Francis.

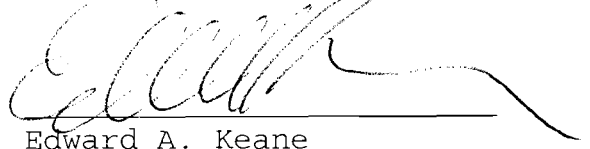
**MAHONEY and KEANE**

We thank the Court for its consideration.

Respectfully submitted,

MAHONEY & KEANE, LLP

By:

A handwritten signature in black ink, appearing to read 'E. Keane', is written over a horizontal line.

Edward A. Keane

cc (via fax):

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